

DOCKET NO: 243895US0DIV



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SYOZO KOBAYASHI, ET AL. : EXAMINER: HABTE, KAHSAY
SERIAL NO: 10/681,205 :
FILED: OCTOBER 9, 2003 : GROUP ART UNIT: 1624
FOR: NOVEL SULFONYL :
DERIVATIVES :

RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is responsive to the Restriction Requirement mailed October 1, 2004. Applicants elect, with traverse, the claims of Group V, Claims 1-17 and 23-26, drawn to Q³ = others, for examination. Applicants further elect, the compound of example B-54, found on page 902 of the specification, as the species for examination purposes only.

Remarks/Arguments begin on page 2 of this paper.

REMARKS/ARGUMENTS

The Examiner states that the inventions are distinct, because Groups I-V are directed to structurally dissimilar compounds in that the variable core of Q³ in formula I do not belong to the same class of chemical compounds in the art, and references anticipating one invention would not render the other invention as obvious.

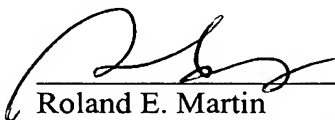
However, it can be seen that all of the inventions are related in that they are drawn to ring compounds with nitrogen(s) in the ring, and, as such, it is submitted that the claims of Groups I-V should be rejoined and examined in the present application.

Further, it is requested that, if no prior art is found over which the elected species is rejectable, the Examiner expand the search to encompass non-elected species.

Accordingly, for the reasons presented above, it is submitted that the Patent and Trademark Office fail to meet the burden necessary to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,

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